

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**THE MUNICIPALITY OF BAYAMÓN *et al.*,**

*Plaintiff,*

**v.**

**EXXON MOBIL CORP. *et al.*,**

*Defendants.*

Case No. 3:22-cv-01550-SCC-HRV

**DEFENDANTS' SUPPLEMENTAL JOINT RESPONSE  
IN OPPOSITION TO THE MOTION FOR CONSOLIDATION**

TO THE HONORABLE COURT:

**COME NOW** the undersigned Defendants, through their respective counsel, and hereby submit this supplemental response in opposition to the *Motion to Consolidate Cases* (the “Motion to Consolidate”) filed by the non-party Municipality of San Juan (“San Juan”), Dkt. No. 286. The purpose of this supplemental response is to update the Court regarding recent developments pertinent to the Motion to Consolidate. In support of this supplemental response, Defendants state and pray as follows:

1. On August 13, 2024, San Juan filed the Motion to Consolidate, seeking to consolidate the case captioned *Municipality of San Juan v. Exxon Mobil Corporation et al.*, No. 23-cv-01608-ADC (the “*San Juan* case”), with this action. *See* Dkt. No. 286.

2. On August 27, 2024, the undersigned Defendants filed a *Joint Response In Opposition to Non-Party Municipality of San Juan's Motion for Consolidation* (the “Joint Response”), Dkt. No. 288. In their Joint Response, the Defendants explained that there are threshold issues pending in the *San Juan* case that should be resolved by that Court before this Court addresses the potential consolidation or transfer of the *San Juan* case to this Court, including

Defendants' pending motions to deem their Motions to Dismiss the *San Juan* complaint as unopposed.

3. On August 28, 2024, the Court in the *San Juan* case issued an Order (*San Juan* case, Dkt. No. 89), directing the parties to "submit all pertinent written communications between them that are referenced in" the following documents:

- a. *Defendants' Motion to Deem Motions to Dismiss and Related Motions Unopposed* (San Juan case, Dkt. No. 41);
- b. *San Juan's Motion for Extension of Time to Oppose Dispositive Motions at Dockets 28 to 39* (San Juan case, Dkt. No. 42);
- c. *Defendants' Response to Motion for Extension of Time to Oppose Dispositive Motions at Dockets 28 to 39* (San Juan case, Dkt. No. 44);
- d. *Plaintiff's Motion for Leave to File Omnibus Oppositions to Defendants' Motions to Dismiss* (San Juan case, Dkt. No. 52);
- e. *Plaintiffs' Omnibus Response in Opposition to Defendants' Joint Motion for Judicial Notice* (San Juan case, Dkt. No. 63);
- f. *San Juan's Motion Requesting Leave for Plaintiff to File Instanter* (San Juan case, Dkt. No. 71); and
- g. *Defendants' Opposition to Motion Requesting Leave for Plaintiff to File Instanter (Dkt. No. 71) and Motion to Strike Plaintiff's Responses (Dkt. Nos. 72-73) to Defendants' Motions to Dismiss* (San Juan case, Dkt No. 75).

4. The communications at issue are those between counsel for San Juan and the served Defendants concerning the proposed briefing schedule and the filing of the Motions to Dismiss. The Order indicates that the *San Juan* court will review the written communications between the Parties in deciding the pending motions, including the served Defendants' motions to deem the Motions to Dismiss in that case unopposed.

**WHEREFORE**, the Defendants very respectfully request that this Honorable Court take notice of the above in connection with non-party San Juan's Motion to Consolidate and Defendants' Joint Response thereto.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, on this 4<sup>th</sup> day of October 2024.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the above date, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel record who are CM/ECF system participants at their corresponding e-mail addresses.

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